IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

OP.No. 3917 of 2001(N)

PETITIONER:

A. VELAYUDHAN, EANIKKALLUPARAMBU, BROTHERS AUTOMOBILE WORKSHOP, PATTAMBI ROAD, PERINTHALMANNA

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.P.B.KRISHNAN

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE COMMISSIONER FOR REVENUE, TRIVANDRUM.

3. THE DISTRICT COLLECTOR, MALAPPURAM

BY GOVERNMENT PLEADER SMT. R. BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007, ALONG WITH OP NO. 2191 OF 2001 &18373 OF 2002 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 6517 OF 2001 IN OP 3917 OF 2001

DISMISSED

19.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 DATED 11.3.1977 TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND THE ASST. ENGINEER, PWD (B& R), PERINTHALAMANNA.

EXT.P2 DATED 29.11.1982 TRUE COPY OF THE ORDER OF RENEWAL OF LEASE FOR THE YEAR 1982-83

EXT.P3(a) DATED 29.7.1977, TRUE COPY OF RENT RECEIPT ISSUED TO THE PETITIONER FOR 1977-78

EXT P3(b) DATED 8.12.1978 TRUE COPY OF THE RENT RECEIPT ISSUED TO THE PETITIONER FOR 1978-79

EXT.P3(c) DATED 9.8.1979 TRUE COPY OF THE RENT RECEIPT ISSUED TO THE PETITIONER FOR 1979-80

EXT.P3(d) DATED 3.1.1992 TRUE COPY OF THE RENT RECEIPT ISSUED TO THE PETITIONER FOR 1984-85 TO 1990-91

EXT.P4 DATED 14.12.2000 TRUE COPY OF THE ORDER NO. D.DIS. 23152/2000/B2 ISSUED BY RESPONDENT NO. 3 TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P.NO. 3917 & 2191/2001 &
18373 OF 2002

Dated this the 19th day of March, 2007

JUDGMENT

O.Ps. are filed five to six years back challenging revision of lease rentals for Government land leased out to petitioners. Government Pleader submitted that objection was against demand of rent at 20% of market value based on G.O.No. 566 of 1995 dated 30.11.1995. However, it is stated that subsequently, rate is reduced under G.O. 126 of 2004. In the circumstances, O.Ps. are disposed of directing the respondents to refix the lease rental based on latest circular and recover the arrears of lease rental and fix future liability based on latest Government orders within two months from the date of production of a copy of this judgment by the petitioners. Interim orders will continue for two months from now and thereafter recovery of arrears of lease rental and regular lease rental will be based on latest Government orders.

(C.N.RAMACHANDRAN NAIR)
Judge